



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

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December 14, 1998

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Magalie R. Salas, Secretary  
Office of the Secretary  
Federal Communications Commission  
Washington, D.C. 20554

EX PARTE OR LATE FILED

RE: CC Docket 95-116: CTIA Petition Requesting Forbearance From  
CMRS Number Portability Requirements.

DA 98-111: Comments on the CTIA Petition

Dear Ms. Salas:

I am filing these Comments as an *Ex Parte* Presentation on behalf of the Pennsylvania Public Utility Commission (PaPUC) regarding the Petition of CTIA Requesting Forbearance From CMRS Number Portability Requirements.

Pursuant to the regulations of the Federal Communications Commission, I have enclosed two copies of this *Ex Parte* Presentation. I have also enclosed a copy to be time-stamped and returned to me in a stamped-self addressed envelope. I thank you for your assistance in this matter.

Sincerely,

Stephen E. Gorka,  
Assistant Counsel  
PaPUC Law Bureau  
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Harrisburg, PA 17105-3265  
(717) 772-8840

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CC Docket No. 95-116  
Ex Parte Presentation of PaPUC  
December 14, 1998

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter Of )  
CTIA Petition Requesting Forbearance )  
From CMRS Number Portability )  
Requirements )

CC Docket No. 95-116  
DA-98-111

**EX PARTE PRESENTATION OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**I. INTRODUCTION**

The Pennsylvania Public Utility Commission (PaPUC) respectfully submits this written *Ex Parte* Presentation commenting on the Petition by CTIA Requesting Forbearance From CMRS Number Portability Requirements at CC 95-116, which was released on January 22, 1998 at FCC Report Number DA 98-111. Pursuant to FCC regulations, two copies of this Presentation have been submitted to the FCC Office of the Secretary.

**II . THE PENNSYLVANIA POSITION**

1. The PaPUC is dedicated to implementing number optimization plans to alleviate the current NXX shortage in all Pennsylvania NPAs. Any delay in number portability implementation would harm and delay the implementation of number administration policies, such as number pooling, which are technologically dependent on number portability. Thus, CTIA's request for forbearance from meeting the FCC's

number portability requirements until completion of the five-year build out period for PCS carriers, if granted, will be extremely harmful to all states' implementation of important number conservation techniques. The FCC notes its agreement with these concerns in paragraph 12 of its Opinion and Order at CC Docket No. 95-116; DA 97-2579, released September 1, 1998.

Moreover, should the CTIA Petition be granted, CMRS carriers will continue to argue, as they have in the past, that any number portability-dependent conservation technique implemented by any state commission or the FCC is unreasonably discriminatory, in that they cannot be active participants. Specifically, when the Pennsylvania Commission recently proposed a voluntary number pooling or code-sharing regimen in the 215 NPA, numerous wireless carriers commented in opposition, declaring that they could not partake of any of the NXXs deployed in a pooling or code-sharing environment. They therefore asserted that their inability to reach those particular portions of NXXs, even though the Commission proposed a companion lottery arrangement for entire NXXs in which wireless carriers could participate, would constitute unreasonable discrimination against them.

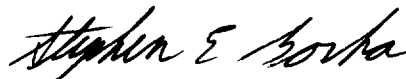
Put simply, CTIA and the CMRS carriers want it both ways. They want forbearance with respect to their obligation to develop number portability technology.

However, they also want to prevent the implementation of any conservation or optimization method that utilizes that technology, because they can't use it as well. With their embrace of this untenable position, they are undermining any likelihood of success at either the state or national level to reduce unnecessary area code relief and the resultant negative effects faced by businesses and consumers.

2. In light of the foregoing, the PaPUC strongly opposes the Petition by CTIA Requesting Forbearance From CMRS Number Portability Requirements and requests that the FCC deny this Petition.

The Pennsylvania Public Utility Commission appreciates this opportunity to present comments on this matter and will monitor the progress of this FCC docket.

Respectfully submitted,



Stephen E. Gorka, Assistant Counsel  
Pennsylvania Public Utility Commission

Frank Wilmarth, Deputy Chief Counsel  
Pennsylvania Public Utility Commission

Bohdan R. Pankiw, Chief Counsel  
Pennsylvania Public Utility Commission